

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

[CHHATTISGARH]

W.P. NO. 816 /2005

PETITIONER

Bal Singh, S/o. Maniram, aged about 24 years, R/o. Village Halbar as Vikas Khand Kuaa Konda, Tehsil-Dantewada, Distt. Dantewada.

VERSUS

RESPONDENTS

1. State of C.G. through Secretary, Home Department, D.K.Bhawan, Raipur (C.G.)
2. Director General of Police (Home Guard) Raipur (C.G.)
3. Sainani, 9th Vahini C.G. Security Force, Dantewada (C.G.)

WRIT PETITION UNDER ARTICLE 226 /227 OF THE
CONSTITUTION OF INDIA.

मामला क्रमांक W.P. 816 सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>16.3.2005</u> Dr. Shailesh Ahuja, counsel for the petitioner. Shri Sandeep Dubey, Government Advocate for the State/respondents on advance copy. Learned counsel for the petitioner submits that the petitioner was selected as Constable through a regular process of selection and an appointment letter dated 7.6.2001 (Annexure P-5) was issued to him. He further submits that after receiving the appointment letter, the petitioner had joined his services on the said post and was doing his work smoothly. However, all of a sudden, vide order, Annexure P-6, the appointment of petitioner was cancelled on the ground that he does not belong to Scheduled Tribe, whereas the appointment was made in the reserved category on the basis of a caste certificate submitted by the petitioner. The further submission of learned counsel for the petitioner is that in fact, the impugned order amounts to dismissal and the same cannot be passed without holding departmental enquiry and without affording an opportunity of hearing to the petitioner. On the other hand learned counsel for the State opposes the admission on the ground that an alternative efficacious remedy of appeal is available to the petitioner and the petitioner should have filed an appeal before approaching this Court. Learned counsel for the petitioner also submits that this petition may be disposed of with a liberty to the petitioner to file an appeal	

(41)

मामला क्रमांक W.P. 816 सन् 200 5

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	before the appropriate authority and if any grievance remains after passing of the order in the appeal, he may be permitted to approach this Court again. The prayer is allowed. The petition is finally disposed of with the aforesaid liberty to the petitioner.	Sd/- SUNIL KUMAR SINHA Judge

sunita

233.07
304.07